

DARALYN J. DURIE (CA SBN 169825)  
DDurie@mofo.com  
TIMOTHY CHEN SAULSBURY (CA SBN 281434)  
TSaulsbury@mofo.com  
MATTHEW I. KREEGER (CA SBN 153793)  
MKreeger@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000 / Fax: (415) 268-7522

KYLE W.K. MOONEY (*Pro Hac Vice*)  
KMooney@mofo.com  
MICHAEL J. DESTEFANO (*Pro Hac Vice*)  
MDeStefano@mofo.com  
MORRISON & FOERSTER LLP  
250 West 55th Street  
New York, New York 10019-9601  
Telephone: (212) 468-8000  
Facsimile: (212) 468-7900

ROSE S. LEE (CA SBN 294658)  
RoseLee@mofo.com  
MORRISON & FOERSTER LLP  
707 Wilshire Boulevard, Suite 6000  
Los Angeles, California 90017-3543  
Telephone: (213) 892-5200  
Facsimile: (213) 892-5454

*Attorneys for Defendant,*  
*PALO ALTO NETWORKS, INC.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FINJAN LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

Case No. 3:14-CV-04908-RS

**DECLARATION OF  
MICHAEL DESTEFANO IN  
SUPPORT OF PALO ALTO  
NETWORKS, INC.'S  
OPPOSITION TO FINJAN, LLC'S  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Date: November 14, 2024  
Time: 1:30 PM  
Courtroom: 3, 17th Floor  
Judge: Honorable Richard Seeborg

1 I, Michael DeStefano hereby declare as follows:

2 1. I am an Associate with the law firm of Morrison & Foerster LLP, counsel for  
3 Defendant Palo Alto Networks, Inc. (“PAN”). I am admitted to practice law in the States of New  
4 York and Florida and am admitted pro hac vice before this Court. I have personal knowledge of  
5 the facts set forth herein, except where specifically stated. I could and would testify competently  
6 to those facts if called as a witness.

7 2. Attached hereto as **Exhibit 1** is an excerpt of a true and correct copy of the  
8 Opening Expert Report of Dr. Aviel Rubin, dated January 27, 2023.

9 3. Attached hereto as **Exhibit 2** is a true and correct copy of the Declaration of John  
10 Chen in Support of Authenticity of Trend Micro’s Documents and Source Code, dated December  
11 23, 2022.

12 4. Attached hereto as **Exhibit 3** is a true and correct copy of the Declaration of Tamir  
13 Zegman in Support of Authenticity of Check Point Software Technologies, Ltd.’s (“Check  
14 Point”) Documents and Source Code, dated December 23, 2022.

15 5. Attached hereto as **Exhibit 4** is a true and correct copy of an email from Matthew  
16 Chivvis, counsel for PAN, to counsel for Finjan, enclosing PAN’s Notice of Subpoena to Trend  
17 Micro, dated July 22, 2015.

18 6. Attached hereto as **Exhibit 5** is a true and correct copy of a production letter  
19 enclosing Trend Micro’s production responsive to PAN’s Subpoena, sent from Chris Meier, a  
20 Morrison & Foerster paralegal, to Paul Andre, former counsel for Finjan, dated August 14, 2015.

21 7. Attached hereto as **Exhibit 6** is a true and correct copy of PAN’s Amended Initial  
22 Disclosures, dated April 30, 2021.

23 8. Attached hereto as **Exhibit 7** is an excerpt of a true and correct copy of the  
24 Rebuttal Expert Report of Angelos Keromytis, Ph.D, dated February 24, 2023.

25 9. Attached hereto as **Exhibit 8** is a true and correct copy of a letter from me to  
26 Phillip Goter, former counsel for Finjan, dated November 30, 2021.

27 10. Attached hereto as **Exhibit 9** is a true and correct copy of a letter from Mr. Goter  
28 to me, dated December 16, 2021.

11. Attached hereto as **Exhibit 10** is a true and correct copy of an email from Mr. Meier to counsel for Finjan, serving Check Point's production, dated December 23, 2022.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an email exchange between myself and Jared Smith, counsel for Finjan, between November 28, 2022 and December 1, 2022.

13. Attached hereto as **Exhibit 12** is a true and correct copy of an email from me to counsel for Finjan, serving the Zegman Declaration (*supra* Ex. 3), dated December 23, 2022.

14. Attached hereto as **Exhibit 13** is a true and correct copy of an email exchange between Eric Lin, former counsel for PAN, and Mr. Smith, between November 28, 2022 and December 1, 2022.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the Declaration of Rachel J. Watters, dated September 18, 2024.

16. Attached hereto as **Exhibit 15** is a true and correct copy of the Jieh-Sheng Lee, et al.'s "A Generic Virus Detection Agent on the Internet," from *Proceedings of the Thirtieth Annual Hawaii International Conference on System Sciences*, dated 1997 ("VICEd Guide"), produced by Finjan with Bates numbers FINJAN-PAN 181312 to FINJAN-PAN 181321.

17. Attached hereto as **Exhibit 16** is an excerpt of a true and correct copy of PAN's First Amended Invalidity Contentions and Related Disclosures Pursuant to Patent Local Rules 3-3 and 3-4 and Court's June 24, 2022 Order, dated July 15, 2022.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the Project.h file from the Privoxy version 3.0.3 source code (<https://sourceforge.net/projects/ijbswa/files/>), showing a last revision date of January 30, 2004.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the actions.c file from the Privoxy version 3.0.3 source code (<https://sourceforge.net/projects/ijbswa/files/>), showing a last revision date of December 3, 2003.

20. Attached hereto as **Exhibit 19** is a true and correct copy of the filters.c file from the Privoxy version 3.0.3 source code (<https://sourceforge.net/projects/ijbswa/files/>), showing a last revision date of November 11, 2003.

21. Attached hereto as **Exhibit 20** is a true and correct screen capture of the modern Privoxy website, accessed October 1, 2024.

22. Attached hereto as **Exhibit 21** is a true and correct copy of the Declaration of Christopher Butler, dated September 24, 2024.

23. Attached hereto as **Exhibit 22** is an excerpt of a true and correct copy of the transcript of the deposition of Dr. Aviel Rubin, dated March 17, 2023.

24. Attached hereto as **Exhibit 23** is a true and correct copy of the Declaration of Clinton Ewell, dated October 2, 2024.

25. Attached hereto as **Exhibit 24** is a true and correct copy of the European Patent EP 1 632 833, bearing a filing date of December 24, 2001.

26. Attached hereto as **Exhibit 25** is a true and correct copy of the U.S. Patent No. 10,552,603, dated February 4, 2020.

27. Attached hereto as **Exhibit 26** is an excerpt of a true and correct copy of an Information Disclosure Statement filed by Finjan during the patent prosecution of U.S. Patent No. 10,552, 603, dated November 24, 2015.

28. Attached hereto as **Exhibit 27** are screenshots of the list of Privoxy version 3.0.3 source code files and associated metadata, available for download at an open-source depository located at <https://sourceforge.net/projects/ijbswa/files/>.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of October, 2024 in Miami, Florida.

/s/Michael J. DeStefano  
Michael J. DeStefano

**ATTESTATION OF E-FILED SIGNATURE**

I, Kyle W.K. Mooney, am the ECF User whose ID and password are being used to file this Declaration of Michael J. DeStefano in Support of PAN's Opposition to Finjan's Motion for Summary Judgment. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Michael J. DeStefano has concurred in this filing.

Dated: October 2, 2024

/s/Kyle W.K. Mooney  
Kyle W.K. Mooney